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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

RONALD JACKSON, RUTH JACKSON,)
ROBERT MANNING, PATRICIA) Cause No. CV-13-65-GF-DLC-RKS
McGESHICK, LAWRENCE WETSIT,)
LANETTE M. CLARK, and BILL)
WHITEHEAD,)

Plaintiffs,)

vs.)

**ANSWER TO AMENDED
COMPLAINT**

THE BOARD OF TRUSTEES OF WOLF)
POINT, MONTANA, SCHOOL DISTRICT)
NO. 45-45A; MARTIN DEWITT, TRACEY)
JUVE-MIRANDA, GLENN STRADER,)
JANICE WEMMER-KEGLEY, JARONN)
BOYSUN, BRENT NYGARD and ED)
BACH in their official capacities as members)
of the Board of Trustees of Wolf Point)
School District No. 45-45A; and NAOMI)
ERICKSON, in her official capacity as)
School District Clerk and Election)
Administrator, and PAT STENNES in her)
official capacity as County Superintendent of)
Schools for Roosevelt County)

Defendants.)

COMES NOW, Defendants Board of Trustees of Wolf Point, Montana, School District No. 45-45A, Martin DeWitt, Tracy Juve-Miranda, Glenn Strader, Janice Wemmer-Kegley, Jaronn Boysun, Brent Nygard, Ed Bach, and Naomi Erickson (hereinafter referred to collectively as “the School District”), by and through their counsel of record, and hereby answer the allegations set forth in Plaintiff’s Amended Complaint as follows:

1. In answer to Paragraph 1 of the Amended Complaint, the School District neither admits nor denies the matters addressed therein, as Paragraph 1 is an introductory paragraph stating the nature of the case.

2. In answer to the allegations set forth in Paragraph 2 of the Amended Complaint, the School District admits the same.

3. In answer to the allegations set forth in Paragraph 3 of the Amended Complaint, the School District admits the same.

4. In answer to the allegations set forth in Paragraph 4 of the Amended Complaint, the School District admits the same.

5. In answer to the allegations set forth in Paragraph 5 of the Amended Complaint, the School District admits the same.

6. In answer to the allegations set forth in Paragraph 6 of the Amended Complaint, the School District admits the same.

7. In answer to the allegations set forth in Paragraph 7 of the Amended Complaint, the School District lacks sufficient knowledge to either admit or deny such allegations.

8. In answer to the allegations set forth in Paragraph 8 of the Amended Complaint, the School District admits the same.

9. In answer to the allegations set forth in Paragraph 9 of the Amended Complaint, the School District admits the same, with the exception that the School District denies that Glenn Strader is a member of the Board of Trustees of District 45-45A.

10. In answer to the allegations set forth in Paragraph 10 of the Amended Complaint, the School District denies that Naomi Erickson is the Wolf Point School District Clerk and Election Administrator.

11. In answer to the allegations set forth in Paragraph 11 of the Amended Complaint, the School District admits the same.

12. In answer to the allegations set forth in Paragraph 12 of the Amended Complaint, the School District admits the same.

13. In answer to the allegations set forth in Paragraph 13 of the Amended Complaint, the School District admits the same.

14. In answer to the allegations set forth in Paragraph 14 of the Amended Complaint, the School District admits the same.

15. In answer to the allegations set forth in Paragraph 15 of the Amended Complaint, the School District admits the same.

16. In answer to the allegations set forth in Paragraph 16 of the Complaint, the School District admits that local government officials, including the County Superintendent of Schools, are required to act in conformity with the Fourteenth Amendment to the United States Constitution, but denies that the County Superintendent of Schools violated her legal duties, as the County Superintendent acted at all times in accordance with the laws of the State of Montana.

17. In answer to the allegations set forth in Paragraph 17 of the Amended Complaint, the School District admits the same.

18. In answer to the allegations set forth in Paragraph 18 of the Amended Complaint, the School District admits the same.

19. In answer to the allegations set forth in Paragraph 19 of the Amended Complaint, the School District admits the same.

20. In answer to the allegations set forth in Paragraph 20 of the Amended Complaint, the School District admits the same.

21. In answer to the allegations set forth in Paragraph 21 of the Amended Complaint, the School District admits the same.

22. In answer to the allegations set forth in Paragraph 22 of the Amended Complaint, the School District admits the same.

23. In answer to the allegations set forth in Paragraph 23 of the Amended Complaint, the School District denies that the current method of election of trustees has an adverse impact on American Indians. The Plaintiffs reside in a district where the majority of the population is American Indian (59.79%) and in the district from which the majority (5 of 8) of the trustees are elected. This neither dilutes, disenfranchises, nor adversely impacts American Indians.

24. In answer to the allegations set forth in Paragraph 24 of the Amended Complaint, the School District denies the same, and asserts that Defendant Martin DeWitt is an enrolled member of an Indian Tribe.

25. In answer to the allegations set forth in Paragraph 25 of the Amended Complaint, the School District denies the same.

26. In answer to the allegations set forth in Paragraph 26 of the Amended Complaint, the School District admits the same.

27. In answer to the allegations set forth in Paragraph 27 of the Amended Complaint, the School District admits that the districts from which trustees are currently elected to the Board of Trustees of District 45A have not been redrawn by the Defendants, as such districts are dictated by Montana law.

28. In answer to the allegations set forth in Paragraph 28 of the Amended Complaint, the School District denies the same, on the basis that a new plan may be agreed upon without the parties being enjoined by the Court.

29. In answer to the allegations set forth in Paragraph 29 of the Amended Complaint, the School District asserts that Section 3(c) of the Voting Rights Act speaks for itself, but denies that the Defendants should be subjected to preclearance. The current method by which trustees are elected does not dilute the voting strength of American Indians, and there is no history of voting related discrimination supporting the request to subject Defendants to preclearance.

30. In answer to the allegations set forth in Paragraph 30 of the Amended Complaint, the School District admits the same.

31. In answer to the allegations set forth in Paragraph 31 of the Amended Complaint, the School District denies the same.

32. In answer to the allegations set forth in Paragraph 32 of the Amended Complaint, the School District admits the same.

33. In answer to the allegations set forth in Paragraphs 33 through 34 of the Amended Complaint, the School District denies the same.

34. The School District denies any and all allegations set forth in the Complaint and not specifically admitted herein.

WHEREFORE, the School District respectfully requests that the Complaint be dismissed in its entirety, and for such other and further relief as the Court deems just and equitable.

DATED this 2nd day of December, 2013.

/s/ Tony C. Koenig
Tony C. Koenig
One of the attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on the 2nd day of December, a copy of the foregoing document was served on the following persons by the following means:

- 1, 2 CM/ECF
- Hand Delivery
- U.S. Mail, postage prepaid
- Overnight Delivery Service
- Facsimile
- E-Mail
- 1. Clerk, U.S. District Court
- 2. Jon Ellingson
James P. Taylor
ACLU of Montana Foundation
P.O. Box 9138
Missoula, Montana 59802
- 3. M. Laughlin McDonald
ACLU Foundation, Inc.
2700 International Tower
229 Peachtree Street
Atlanta, Georgia 30303
- 4. Jordan W. Knudsen
Deputy Roosevelt County Attorney
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Wolf Point, Montana 59201